

Exhibit 9

CATHERINE ONEIL
FISCHER vs GEICO

April 24, 2025
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| Page 1 | Page 3 |
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| <p>1 2 UNITED STATES DISTRICT COURT 3 FOR THE EASTERN DISTRICT OF NEW YORK 4 5 KEITH FISCHER, MICHAEL 6 O'SULLIVAN, JOHN MOESER, 7 LOUIS PIA, THOMAS BARDEN, 8 CONSTANCE MANGAN, and CHARISE 9 JONES, individually and on 10 Behalf of all others similarly 11 Situated, 12 13 Plaintiffs, 14 15 vs. No. 23 Civ. 02848 16 (GRB) (ARL) 17 GOVERNMENT EMPLOYEES INSURANCE 18 COMPANY d/b/a GEICO, 19 20 Defendant. 21 22 23 VIDEOTAPED DEPOSITION OF CATHERINE O'NEIL 24 New York, New York 25 Thursday, April 24, 2025 Reported by: Yaffa Kaplan JOB NO. 12744863</p> | <p>1 2 A P P E A R A N C E S : 3 4 OUTTEN & GOLDEN LLP 5 Attorneys for Plaintiffs 6 685 Third Avenue, 25th Floor 7 New York, New York 10017 8 BY: MICHAEL SCIMONE, ESQ. 9 ZARKA DSOUZA, ESQ. 10 11 DUANE MORRIS LLP 12 Attorneys for Defendant 13 190 South LaSalle Street, Suite 3700 14 Chicago, Illinois 60603 15 BY: GREGORY TSONIS, ESQ. 16 JUSTIN DONOHO, ESQ., 17 (Via videoconference) 18 19 ALSO PRESENT: 20 RICHARD MORALES - Videographer 21 22 23 24 25</p> |
| Page 2 | Page 4 |
| <p>1 2 April 24, 2025 3 9:40 a.m. 4 5 Videotaped Deposition of CATHERINE 6 O'NEIL, held at the offices of Duane 7 Morris, 1540 Broadway, New York, New York, 8 pursuant to Notice, before Yaffa Kaplan, a 9 Notary Public of the State of New York. 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> | <p>1 2 IT IS HEREBY STIPULATED AND AGREED, 3 by and between counsel for the respective 4 parties hereto, that the filing, sealing and 5 certification of the within deposition shall 6 be and the same are hereby waived; 7 8 IT IS FURTHER STIPULATED AND AGREED 9 that all objections, except as to the form 10 of the question, shall be reserved to the 11 time of the trial; 12 13 IT IS FURTHER STIPULATED AND AGREED 14 that the within deposition may be signed 15 before any Notary Public with the same force 16 and effect as if signed and sworn to before 17 the Court. 18 19 20 21 22 23 24 25</p> |

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| <p style="text-align: right;">Page 49</p> <p>1 C. O'Neil</p> <p>2 Q. Do you have an understanding as to</p> <p>3 whether that data is available for 200 people?</p> <p>4 A. I don't.</p> <p>5 Q. As we said earlier, you haven't taken</p> <p>6 the data that is available to you and run any</p> <p>7 analysis on it. Right?</p> <p>8 A. Right.</p> <p>9 Q. Do you have any understanding of how</p> <p>10 many individuals are encompassed in the spreadsheet</p> <p>11 produced and Bates-labelled G010798, that you</p> <p>12 reviewed prior to your deposition?</p> <p>13 A. I don't remember. I know it's at least</p> <p>14 a handful, but not more than a dozen.</p> <p>15 Q. You don't think there is more than 12</p> <p>16 people's data reflected in that spreadsheet.</p> <p>17 A. To be honest, I wasn't looking. I</p> <p>18 wasn't counting it. I wasn't doing an analysis.</p> <p>19 I was looking at the type of data it</p> <p>20 was. I was more interested in the columns than the</p> <p>21 rows, once I understood that the rows corresponded</p> <p>22 to people's monthly work.</p> <p>23 Q. So you talked about what a full dataset</p> <p>24 would look like for the basis of this analysis.</p> <p>25 But you say in paragraph 5, that "That data,</p> | <p style="text-align: right;">Page 51</p> <p>1 C. O'Neil</p> <p>2 I want to -- I want to be able to trust</p> <p>3 that this number is true. It's a good</p> <p>4 approximation.</p> <p>5 Q. As a mathematician, you understand that</p> <p>6 the sample that you use has to be reliable. Right?</p> <p>7 A. Yes.</p> <p>8 Q. Do you think a sample of one would be</p> <p>9 reliable?</p> <p>10 A. Depends on their memory. But I mean, I</p> <p>11 would prefer more than one.</p> <p>12 Q. I guess I am asking a slightly different</p> <p>13 question.</p> <p>14 In the group of 200, as a mathematician,</p> <p>15 would you feel comfortable building a model around</p> <p>16 a sample of one?</p> <p>17 A. You have to understand that I am not</p> <p>18 doing that. Like, the overall model is using a lot</p> <p>19 of data.</p> <p>20 This putative model that we haven't</p> <p>21 built yet, and this number that we are getting from</p> <p>22 the plaintiff's testimony, is just a single</p> <p>23 baseline number.</p> <p>24 So I am really just looking at what</p> <p>25 number -- it is an important number, I grant you</p> |
| <p style="text-align: right;">Page 50</p> <p>1 C. O'Neil</p> <p>2 together with testimony from special</p> <p>3 investigators."</p> <p>4 So I want to focus on the testimony</p> <p>5 piece for a second. What does a full dataset of</p> <p>6 testimony look like?</p> <p>7 A. I mean, I think that's a lawyerly</p> <p>8 question, but I would say for my -- for my</p> <p>9 purposes, I just want a number.</p> <p>10 Q. Well, we talked about 200 people's worth</p> <p>11 of data. Do you similarly need, you know, 200</p> <p>12 estimates of how much time was spent working off</p> <p>13 the clock?</p> <p>14 A. No.</p> <p>15 Q. So what number of people would you need?</p> <p>16 MR. SCIMONE: Objection. Go ahead.</p> <p>17 A. I mean, I could make do with one person.</p> <p>18 Q. So it's your testimony that if you had</p> <p>19 solely Keith Fischer's estimate and the number of</p> <p>20 hours of off-of-the-clock time that he worked, you</p> <p>21 could apply that to 199 other members of a putative</p> <p>22 class?</p> <p>23 A. I mean, I would be statistically more</p> <p>24 comfortable if I had more. If I had five people or</p> <p>25 ten people. As always, I want more.</p> | <p style="text-align: right;">Page 52</p> <p>1 C. O'Neil</p> <p>2 that. So because it's an important number, I would</p> <p>3 like to have more than -- more than one person</p> <p>4 testifying to it.</p> <p>5 Q. That's what I am trying to figure out.</p> <p>6 Is; what is the sample that's necessary for you to,</p> <p>7 you know, feel comfortable, to use your word, with</p> <p>8 your model and its reliability?</p> <p>9 A. To be honest with you, I don't think</p> <p>10 that's really a math question. It -- it's a</p> <p>11 question of like, maybe legal precedent, like how</p> <p>12 many people need to testify about how much work</p> <p>13 they actually did. How many hours they actually</p> <p>14 worked before that number is accepted.</p> <p>15 I don't know what the legal precedent</p> <p>16 for that is.</p> <p>17 Q. I am not asking you to opine --</p> <p>18 A. I will just say -- sorry.</p> <p>19 Q. You are okay.</p> <p>20 A. As a statistician, I would want to hear</p> <p>21 a few, like three. And if they were consistent, I</p> <p>22 would be, oh, this seems to be converging to</p> <p>23 something consistent. If they were inconsistent, I</p> <p>24 would be like, I would like to hear more.</p> <p>25 Q. Sure. But as a statistician, you</p> |

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| 1 C. O'Neil | 1 |
| 2 in terms of the transcript turnaround time, so | 2 ----- I N D E X ----- |
| 3 I think they placed an order with you. | 3 WITNESS EXAMINATION BY PAGE |
| 4 THE VIDEOGRAPHER: The time is 3:44 p.m. | 4 Catherine O'Neil Mr. Tsonis 6, 244 |
| 5 We are off the record. | 5 Mr. Scimone 225 |
| 6 (Time noted: 3:44 p.m.) | 6 |
| 7 _____. | 7 ----- INFORMATION REQUESTS ----- |
| 8 CATHERINE O'NEIL | 8 DIRECTIONS: 17, 24, 56 |
| 9 | 9 RULINGS: |
| 10 Subscribed and sworn to before me | 10 TO BE FURNISHED: |
| 11 this ____ day of _____, 2025. | 11 REQUESTS: |
| 12 | 12 MOTIONS: |
| 13 _____ | 13 ----- EXHIBITS ----- |
| 14 | 14 EXHIBIT FOR ID. |
| 15 | 15 Exhibit 1 Subpoena 9 |
| 16 | 16 Exhibit 2 Declaration and curriculum vitae 28 |
| 17 | 17 Exhibit 3 Interview notes 98 |
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| 21 | 21 |
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| 1 C. O'Neil | 1 |
| 2 C E R T I F I C A T E | 2 DEPOSITION ERRATA SHEET |
| 3 STATE OF NEW YORK) | 3 Our Assignment No. 12744863 |
| 4 : ss. | 4 CASE NAME: Fischer vs. GEICO |
| 5 COUNTY OF QUEENS) | 5 |
| 6 | 6 DECLARATION UNDER PENALTY OF PERJURY |
| 7 I, YAFFA KAPLAN, a Notary Public | 7 I declare under penalty of perjury |
| 8 within and for the State of New York, do | 8 that I have read the entire transcript of |
| 9 hereby certify: | 9 my Deposition taken in the captioned matter |
| 10 That CATHERINE O'NEIL, the witness | 10 or the same has been read to me, and |
| 11 whose deposition is hereinbefore set forth, | 11 the same is true and accurate, same and |
| 12 was duly sworn by me and that such | 12 except for changes and/or corrections, if |
| 13 deposition is a true record of the | 13 any, as indicated by me on the DEPOSITION |
| 14 testimony given by the witness. | 14 ERRATA SHEET hereof, with the understanding |
| 15 I further certify that I am not | 15 that I offer these changes as if still under |
| 16 related to any of the parties to this | 16 oath. |
| 17 action by blood or marriage, and that I am | 17 _____ |
| 18 in no way interested in the outcome of this | 18 Catherine O'Neil |
| 19 matter. | 19 Subscribed and sworn to on the ____ day of |
| 20 IN WITNESS WHEREOF, I have hereunto | 20 _____, 2025 before me, |
| 21 set my hand this 28th day of April, 2025. | 21 _____ |
| 22 | 22 Notary Public, |
| 23 | 23 in and for the State of _____ |
| 24 | 24 |
| 25 | 25 |